REMARKS

The Examiner rejected claims 1-17 under 35 U.S.C. § 112, first paragraph. The Examiner also rejected claims 1-5, 8-12, 14, 17 and 18 under 35 U.S.C. § 102(b) as anticipated by the Wagner patent (U.S. No. 5,564,122). Additionally, the Examiner rejected claims 6, 13, 15 and 16 under 35 U.S.C. § 103(a) as being obvious over the Wagner patent. The Applicant respectfully requests the Examiner to reconsider the claims in view of the amendments and the remarks submitted below.

The Section 112, First Paragraph, Rejections:

The Examiner rejected claims 1-17 under 35 U.S.C. 112, first paragraph, because the specification does not support the newly added limitations. Specifically, the Examiner stated that the specification lacks support for "said hand receiving portion being smaller than said front layer; said hand receiving portion covering a substantial portion of said user's hand to maintain it in a generally fixed position." The Applicant respectfully traverses.

With particular attention to Figures 1-3, it can be seen that the originally filed drawings disclose the newly added limitations. Namely, a person of ordinary skill in the art would readily understand that Figures 1-3 disclose the hand-receiving portion (22) being sized smaller than the front layer. Furthermore, one of ordinary skill in the art would also readily understand that the hand-receiving portion, which is stitched according to the shape of a person's hand, could substantially restrict movement of the person's hand within the hand-receiving portion. As a result, the hand receiving portion can maintain the person's hand in a generally fixed position therein. Therefore, the Applicant respectfully submits that the newly added limitations in claims 1-17 are fully supported in the originally filed application and should be considered accordingly.

The Section 102(b) Claim Rejections:

The Examiner rejected claim 1 under 35 U.S.C 102(b) as anticipated by the Wagner patent. By this Amendment, claim 1 clearly defines over the Wagner patent.

Independent claim 1 recites an athletic training device for use in blocking balls. This athletic training device includes a hand-receiving portion with a front palm side attached to a base portion of the training device. In this way, the user's palm is directed outward and toward the oncoming ball or other impending force. This feature is specifically illustrated in Figure 1. One advantage of this feature is that it can allow an individual to become accustomed to positioning his hands in the proper position with palms facing outward for blocking shots. On the other hand, the Wagner patent (col. 2, lines 29-31) teaches that the backside of a glove is attached to the blocking pad. This construction requires the user to direct his palm inward and away from the oncoming ball or other impending force. For that reason, the Wagner patent teaches a construction that substantially differs from the training device.

Furthermore claim 1 recites that the hand-receiving portion includes a plurality of sleeves for receiving a user's fingers. These sleeves are beneficial because they can transfer a portion of force to the user's fingers and gradually strengthen those fingers without substantial risk of injury thereto. As is known, strong rigid durable fingers can assist a volleyball player in adeptly blocking spikes or other shots. However, the Wagner patent fails to teach this limitation.

In sum, the Wagner patent fails to teach the hand receiving portion with sleeves and a front palm side attached to the rear layer of the training device.

It is therefore respectfully submitted that the section 102 rejection of claim 1 should be reconsidered and withdrawn. It is also submitted that claims 2 through 10, which depend from claim 1, are allowable for the same reasons provided above in connection with claim 1.

By this Amendment, independent claims 11 and 18 also recite limitations similar to those in amended claim 1. Thus, it is also submitted that claims 11-18 are allowable for the same reasons provided for claim 1. In addition to those reasons, the Applicant notes that amended claim 11 now recites the hand receiving portion being attached to a base portion of the outer covering. Support for this amendment is found in Figures 1-3. This feature is advantageous because it allows the user to block balls traveling along paths that would otherwise be outside of the user's reach. In addition, oncoming balls can impact a flexible top portion of the training device and incrementally impart a torque upon the user's wrist for gradually strengthening the user's wrist. On the other hand, the Wagner patent teaches that the glove is attached to an intermediate portion of the blocking device. In this regard, the Wagner patent cannot provide another advantage associated with the training device recited in claim 11. For this additional reason, the Wagner patent fails to teach the training device.

The Section 103(a) Rejections:

Claims 6, 13, 15, and 16 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Wagner patent. Claim 6, which depends from claim 1, includes several limitations not taught or suggested by the Wagner patent. Likewise, claims 13, 15, and 16, which depend from claim 11 incorporate several limitations not taught or suggested by the Wagner patent. The Applicant respectfully submits that no motivation has been provided for modifying the Wagner patent to include the hand receiving portion with sleeves and a front palm side attached to a base portion of the rear layer. Specifically, as detailed above, the Wagner patent teaches a hockey goalie blocking pad utilized for substantially different purposes, e.g. deflecting a shot with the user's backhand while permitting the user to simultaneously hold a hockey stick in his hand. In that respect, one of ordinary skill in the art would not be motivated to modify the pad in a way that necessarily prevents the pad from accomplishing its main objectives.

It is therefore respectfully submitted that claims 6, 13, 15, and 16 are allowable over the Wagner patent and in a condition for allowance.

Conclusion:

It is submitted that all objections and rejections of record have been overcome and that all pending claims are in condition for allowance. A Notice of Allowance is therefore earnestly solicited.

If the Examiner should have any questions, she is urged to contact the undersigned at (248) 223-9500.

Respectfully Submitted,

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